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On 28 October 2004
(DATE OF DEPOSIT)

Thomas C. Stover 22,531
(NAME OF APPLICANT, ASSIGNEE, OR REG. REP.)

 28 October 2004
(SIGNATURE) DATE

IN THE UNITED STATES AND TRADEMARK OFFICE

In re application of
David F. Bliss et al
Application Serial No. 10/083,613
Filed: 26 February 2002
For: **FORMING IMPROVED METAL NITRIDES**

Group Art Unit: 3162
Examiner: M. Song

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 CFR 1.132

I, David F. Bliss of Arlington, Massachusetts, declare and say that:

1. I am one of the inventors in the above-identified application filed on 26 February 2002.
2. A recent Office Action from the USPTO in the above application, has implied that applicants' statement that their two-boat method out-performed the prior art's one boat method in MN formation, is not supported by any evidence.

3. That is, a recent Office Action has cited 3 patents against Applicants' claims 9-12 herein. They are Vaudo et al ('581), in view of Hirota et al (299 A2), in view of Jain ('163).

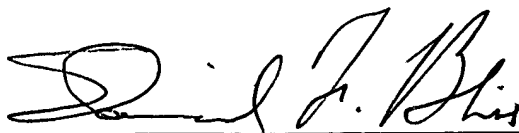
4. However these patents have in common that they employ but one boat and a spaced substrate. The wool plug of the Jain patent does not count as a second boat. Employing a two boat process is a significant difference because with two boats one can control the temperature of the Iodine boat and thus its vapor pressure and one can control the temperature of the metal boat and the metal pick-up rate for MI formation and then MN formation. This means the growth rate, thickness and quality of the MN product can be controlled in a fine tuning process not achievable in a one-boat process.

5. Thus the method of the invention, per claims 9-12 is believed not suggested by the above cited patents.

6. I further declare that the statements made herein are made of my own knowledge and are true and that all statements made on information and belief are believed to be true and furthermore that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above application or any patent issuing thereon.

27 October 2004

Date



David E. Bliss